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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 HILARIO MARTINEZ, ) Case No.: C11-01017 SBA  
11 Plaintiff, ) STIPULATION OF DISMISSAL  
12 v. ) AND ~~PROPOSED~~ ORDER  
13 CITY OF PITTSBURG; ) THEREON  
14 CITY OF PITTSBURG POLICE DEPARTMENT; )  
15 DANIEL BUCK, individually and as an Officer of )  
the CITY OF PITTSBURG POLICE )  
DEPARTMENT (Badge #293); )  
16 CHUNLIAM SAECHAO, individually and as an )  
Officer of the CITY OF PITTSBURG POLICE )  
DEPARTMENT (Badge #288); )  
17 RYAN WILKIE, individually and as an Officer of )  
the CITY OF PITTSBURG POLICE )  
DEPARTMENT (Badge #265); )  
18 BRIAN SCOTT, individually and as an Officer of )  
the CITY OF PITTSBURG POLICE )  
DEPARTMENT (Badge #292); and )  
19 DOES 1 – 100, inclusive, )  
20  
21 Defendants. )  
22

23 IT IS HEREBY STIPULATED by and between the parties to this action, through their  
24 designated counsel, that Defendant RYAN WILKIE be and hereby is dismissed with prejudice  
25 pursuant to F.R.C.P. 41(a)(1).

26 IT IS FURTHER STIPULATED that Defendant BRIAN SCOTT be and hereby is  
27 dismissed without prejudice. The parties agree that Defendant BRIAN SCOTT can be re-named  
28 as a Defendant in this action should discovery justify re-naming Officer SCOTT in Plaintiff's

1 counsel's opinion. It is further agreed that, while Defendants will not oppose re-naming BRIAN  
2 SCOTT as a Defendant in this litigation, should BRIAN SCOTT be re-named in this litigation,  
3 he will have all defenses he had as of the time of the filing of his Answer including all rights he  
4 had and/or has for his dismissal based on the law and/or the facts of this particular matter.

5 It is also agreed that should Plaintiff need/want the presence of either Officer SCOTT or  
6 Officer WILKIE at Trial, they will appear without the need to either serve them with a subpoena  
7 and/or the payment of a witness fee.

8

9 Dated: March 2, 2012

LAW OFFICES OF PANOS LAGOS

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/s/

11 Panos Lagos, Esq.  
12 Attorney for Plaintiff,  
13 HILARIO MARTINEZ

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Dated: March 2, 2012

EDRINGTON, SCHIRMER & MURPHY

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/s/

16 James M. Marzan  
17 Attorney for Defendants  
18 CITY OF PITTSBURG, CITY OF  
19 PITTSBURG POLICE DEPARTMENT,  
20 DANIEL BUCK, CHUNLIAM SAECHAO,  
21 RYAN WILKIE and BRIAN SCOTT

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## ORDER

23 In accordance with the foregoing stipulation, IT IS HEREBY ORDERED that Defendant  
24 RYAN WILKIE is hereby dismissed from this action with prejudice. IT IS FURTHER  
25 ORDERED that Defendant BRIAN SCOTT is hereby dismissed from this action without  
prejudice. Each party shall bear its own attorneys' fees and costs.

26

27 Dated: 3/6/12

  
28 HON. SAUNDRA BROWN ARMSTRONG  
United States District Court Judge

ATTESTATION PURSUANT TO GENERAL ORDER 45.X.B.

I, Panos Lagos, declare and attest that concurrence in the electronic filing of this document has been obtained from each of the signatories.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and corrected.

Executed this 2nd day of March, 2012, at Oakland, Alameda County, California.

/s/  
Panos Lagos, Declarant